

KLUGER HEALEY, LLC

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ELISE LAWLESS,

Plaintiff,

vs.

HASHOFF, LLC, TRINET HR III, INC.,
PHIL FRANK, ABC COMPANIES (1-10)
(fictitious names of unknown entities) and
(JOHN/JANE DOES (1-10) (fictitious names
of unknown persons),

Defendants.

CASE NO.

NOTICE OF REMOVAL

TO: The Clerk of this Court and all parties of record:

Defendant Phil Frank (“Defendant Frank”) hereby removes the matter, currently pending under Docket Number MON-L-000823-23 in the Superior Court of New Jersey, Monmouth County (the “State Court Action”), and as grounds for removal state:

STATEMENT OF THE CASE

1. Plaintiff Elise Lawless (“Plaintiff”) filed the State Court Action, docketed on March 15, 2023, in the Law Division of the Superior Court of New Jersey, Monmouth County, against Defendant Frank, Hashoff, LLC and TriNet HR III, Inc. (*See Case Summary, Exh. A hereto*).

2. Defendant Frank was served with the Summons and Complaint on March 29, 2023. Removal is therefore timely filed within 30 days after service of the Summons and Complaint upon Defendant Frank. (*See Affidavit of Service, Exh. B hereto*).

3. Plaintiff alleges violations of the New Jersey Conscientious Employee Protection Act, the New Jersey Wage Payment Law, breach of contract, unjust enrichment, and breach of the covenant of good faith and fair dealing in connection with the termination of her employment.

REMOVAL BASED ON DIVERSITY JURISDICTION

4. As alleged by Plaintiff, she is a resident of the State of New Jersey. (*See* Complaint ¶1, Exh. C hereto).

5. Defendant Hashoff, LLC was formed under the laws of the State of Delaware as a limited liability company on or about June 5, 2013, with a principal place of business in the State of Colorado. The limited liability company was canceled on or about February 13, 2023. (*See* Certification of Cancellation, SEC Form D Filing Detail and EIN Tax ID search results, Exh. D hereto).

6. Upon information and belief, Defendant Hashoff, LLC is a wholly owned subsidiary of DGTL Holdings Inc., a Canada-based corporation. (*See* press release, Exh. E). Upon information and belief, Defendant Hashoff, LLC has filed for bankruptcy.

7. Defendant Trinet HR III, Inc. is incorporated under the laws of the State of California and has a principal place of business in California. (*See* LEI Register printout, Exh. F hereto). Counsel for Defendant Trinet HR III, Inc., David E. Strand Esq. of Fisher Phillips LLP, has advised that Defendant Trinet HR III, Inc. consents to the instant Notice for Removal.

8. Defendant Phil Frank is a resident of the State of New York (*See* Affidavit of Service, Exh. B hereto).

9. This Court has original subject matter jurisdiction over this civil action pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between Plaintiff and all Defendants in the State Court Action.

10. This Notice of Removal is being filed within 30 days after Defendant Frank received a copy of the initial pleading, setting forth the claim for relief upon which such action or

§ 1446(b).

11. The State Court Action is being removed to the District Court of the United States for the district “embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

12. Plaintiff claims to have suffered damages as a result of six separate causes of action, all of which are related to Plaintiff’s former employment. Each count seeks money damages. (*See* Complaint, Exh. C hereto).

13. Although Plaintiff does not seek a total amount in damages, she seeks \$50,204 in commissions (*See* Complaint ¶¶ 32, 53, Exh. C), *plus* attorneys’ fees, front pay, back pay, treble damages, and punitive damages (*See* “Wherefore” paragraphs of Complaint, Exh. C).

14. The allegations in the Complaint plausibly suggest that the amount in controversy exceeds \$75,000 (the requisite amount in controversy for purposes of diversity jurisdiction) under 28 U.S.C. § 1332(a).

15. The Superior Court of New Jersey, Monmouth County, is located within this District. *See* 28 U.S.C. § 1446(a).

ATTACHMENT OF STATE COURT FILINGS

16. The filings annexed hereto as Exhibit C, as required by 28 U.S.C. §1446(a), constitute all of the filings in the State Court Action that were served upon Defendant Frank and which are being removed.

NOTICE OF REMOVAL PROVIDED TO STATE COURT AND ADVERSE PARTIES

17. A copy of this Notice of Removal is being filed with the Clerk of the Superior Court of New Jersey, Monmouth County, and is being served on all counsel of record. *See* 28 U.S.C. § 1446(d).

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Dated: April 27, 2023